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SPECIAL TOWN MEETING
May 10, 12 & 17, 1993

The meeting was televised by Amherst Community Television

The Special Town Meeting was called to order by the Moderator, Francesca Maltese at 7:40 p.m. There were 257 town meeting members; 131 checked in and a quorum was declared. The call and return of the warrant were read by Assistant Town Clerk, Margaret Z. Nartowicz. Kenneth Mosakowski, Arthur Keene, Barry O'Connell, Hill Boss, Deborah Lawrence-Riddell and Robert Grose were sworn as tellers.

ARTICLE 1. Voted unanimously that the Town hear only those reports of the Town officers, Finance Committee, and any other Town boards or committees which are not available in written form.
Action taken on 5/10/93.

Voted to defer consideration of Article 2 until after Article 19.
Action taken on 5/10/93.

ARTICLE 2. Voted that the Town accept the invitation of Kanegasaki, Japan to participate in a sister city program.
Action taken on 5/17/93.

Voted to defer consideration of Article 3 until after Article 19 and before Article 2.
Action taken on 5/10/93.

Voted to consider Article 3 before Article 16.
Action taken on 5/10/93.

ARTICLE 3. DISMISSED (Transfer of Funds)
Action taken on 5/12/93.

ARTICLE 4. Voted unanimously that the Town authorize the Select Board to petition the General Court for a Special Act reducing the time period mandated by M.G.L. Chapter 53, Section 7 for submittal of nomination papers to the registrars of voters for certification from 14 days to 7 days prior to the date such papers must be filed with the Town Clerk.
Action taken on 5/10/93.

ARTICLE 5. DEFEATED YES 71, NO 94 (to appoint Charter Commission)
Action taken on 5/10/93.

ARTICLE 6. DISMISSED (Zoning Bylaw Amendment - Section 5.14)
Action taken on 5/10/93.

ARTICLE 7. DISMISSED (Zoning Bylaw Amendment - Map 21B, Parcel 13)
Action taken on 5/10/93.

ARTICLE 8. Voted unanimously that the Town amend the Firearm Bylaw of the Town adopted under Article 52 of the Special Town Meeting of October 19, 1981, by adding, after Section (B)7(b) the following new paragraph:

"Notwithstanding the provisions of Sections (A) and (B) above, no person shall discharge any gun, fowling piece, shotgun, air-gun, or other firearm or bow-and-arrow otherwise permitted under Sections (A) or (B), within one hundred fifty feet (150') of or in the direction of: (1) the paved surface of the State Rail Trail, or (2) the paved parking areas or entrance/exit ramps associated with the Rail Trail. Loaded guns, fowling pieces, shotguns, air-guns or other firearms or bows and arrows shall not be carried on or within 150' of the Rail Trail.

Action taken on 5/10/93.

ARTICLE 9. Voted unanimously that the Town release any rights it may have acquired in 1935 to establish a "water hole" (for firefighting purposes) on the land formerly owned by the John F. Skibiski Realty Partnership and located on the westerly side of North East Street in the area of Hedgerow Lane. Action taken on 5/10/93.

ARTICLE 10. DISMISSED (Release of Town Rights - General Authorization)
Action taken on 5/10/93.

ARTICLE 11. Voted unanimously that the Town authorize the Board of Selectmen to execute certain deeds that create two temporary drainage easements and two permanent drainage easements in the interest of the inhabitants of the Town of Pelham on watershed lands of the Town of Amherst where Harris Brook crosses Amherst Road in the Town of Pelham.
Action taken on 5/10/93.

ARTICLE 12. Voted unanimously that the Town appropriate \$50,000 to design a Methane Collection system and a chain link fence at the old landfill on the southerly side of Belchertown Road as required by the Massachusetts Department of Environmental Protection and that to meet such appropriation \$50,000 be transferred from the Solid Waste Fund Surplus.
Action taken on 5/10/93.

ARTICLE 13.DISMISSED (Eastern Hampshire Regional Refuse District Admission of South Hadley)
Action taken on 5/10/93.

ARTICLE 14. DISMISSED (Regional Refuse District Hydro-Geological Study)
Action taken on 5/10/93.

ARTICLE 15. Voted that the Town amend Article 3, Section 4, of the Town Bylaws (Refuse Collection & Recyclable Materials) so that the section reads as follows: "All municipal solid waste (including but not limited to residential and commercial refuse and construction/demolition waste materials collected within the corporate limits of the Town of Amherst shall be disposed of at the Town of Amherst Sanitary Landfill; provided that waste materials which are not acceptable for disposal at such landfill shall not be disposed of within the Town of Amherst except at places designated in writing by the Board of Health. All commercial haulers collecting or removing municipal solid waste accumulating within the Town or using the streets and roads of the Town for the purpose of collecting or transporting the same shall be licensed by the Amherst Board of Health. All licenses granted to such private haulers and all contracts of other forms of authorization of duly authorized collectors shall require that all municipal solid waste collected and transported under such authorization shall be disposed of at the Town of Amherst Sanitary Landfill."
Action taken on 5/10/93.

10:35 p.m. The meeting voted to adjourn to Wednesday, May 12, 1993 at 7:30 p.m. in the auditorium of the Amherst Regional Junior High School. 173 town meeting members were checked in.

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The adjourned session of Wednesday, May 12, 1993 was called to order by the Moderator at 7:16 p.m. 129 town meeting members were present and a quorum was declared. The Special Town meeting began with consideration of Article 3.

7:25 p.m. The meeting voted to adjourn to Monday, May 17, 1993 at 7:30 p.m. in the auditorium of the Amherst Regional Junior High School. 141 town meeting members were checked in.

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The adjourned session of Monday, May 17, 1993 was called to order by the Moderator at 7:42 p.m. 132 town meeting members were present and a quorum was declared.

ARTICLE 16. Voted that the Town develop an Amherst plan for sewage sludge composting by May 1st, 1994 which:

- A. Does not assume that the Eastern Hampshire Regional Refuse District will exist in the future.
- B. Considers sludge composting on its own merits separate and distinct from any other solid waste facilities.

Action taken on 5/17/93.

ARTICLE 17. Voted unanimously that the Town appropriate \$2,000 and approve an equipment rental agreement between the Town of Amherst and the City of Springfield permitting the Town of Amherst to rent a "Tub Grinder" for yard waste and composting purposes and that to meet such appropriation \$2,000 be transferred from Solid Waste Fund Surplus.
Action taken on 5/17/93.

ARTICLE 18. DEFEATED YES 8, NO 146 (Pulpit Hill Road Land Acquisition)
Action taken on 5/17/93.

8:46 p.m. The meeting voted to adjourn to Monday, May 17, 1993 at 10:00 p.m. in the auditorium of the Amherst Regional Junior High School. 169 town meeting members were checked in.

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The adjourned session of Monday, May 17, 1993 was called to order by the Moderator at 10:08 p.m. 182 town meeting members were present and a quorum was declared.

ARTICLE 19. Voted YES 90, NO 21 that the Amherst Representative Town Meeting endorse the following resolution:

"Whereas, many Amherst residents believe it is morally wrong for the state to condemn to death and execute any person; and

Whereas, since 1900 at least 326 persons have been wrongfully convicted of murder in the United States, and of that number at least 23 were executed; and

Whereas, the Commonwealth of Massachusetts has not executed anyone since 1947; and

Whereas, in 1980 the Supreme Judicial Court of the Commonwealth ruled that the death penalty is unconstitutional because it is ineffectual as a deterrent, applied arbitrarily and capriciously, and constitutes a form of "cruel and unusual" punishment; and

Whereas, the vast majority of those executed are persons of limited means; and

Whereas, the last time a person of European descent was executed in the United States for killing an African-American was 1944, since 1972 almost half of all murder victims in the U.S. have been African-American, and presently African-Americans who kill persons of European descent are 11 times more likely to be sentenced to death than those who kill other African-Americans; and

Whereas, the cost of confining a prisoner for life without parole is considerably less than the legal costs for a trial involving the death penalty;

Now, Therefore, Be It Resolved, that the Amherst Representative Town Meeting hereby calls upon the Governor, its representatives to the General Court, and the those in leadership positions in the General Court to oppose the reintroduction of the death penalty into Massachusetts; and

Further, Be It Resolved, that copies of the above resolution be sent to Governor William Weld, State Senator Stanley Rosenberg, State Representative Ellen Story, State Senate President William Bulger, Speaker of the House of Representatives Charles Flaherty, and Senator Robert Antonioni and Representative Joseph McIntyre, co-chairs of the Joint Committee on Criminal Justice."

Action taken on 5/17/93.

The business of the warrant having been completed, the meeting voted to dissolve at 10:39 p.m. on May 17, 1993. 182 town meeting members were checked in.

Attest:

Margaret Z. Nartowicz
Assistant Town Clerk